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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BBC CHARTERING & LOGISTICS GMBH & :
CO. K.G., :
Plaintiffs, :
vs. : Index No.: 08-cv-200 (WHP)
USIMINAS MECANICA S/A, PERINI O&G, : **DECLARATION OF**
PERINI CORP., O&G INDUSTRIES, INC., and : **KEITH B. DALEN**
UNIBANCO AIG SEGUROS S/A, :
Defendants. :
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KEITH B. DALEN, under penalty of perjury declares as follows:

1. I am an attorney and member of the law firm of Hill Rivkins & Hayden LLP, attorneys for defendants, Unibanco AIG Seguros S/A and Usiminas Mecanica S/A. I make this declaration in support of defendants' motion to dismiss the complaint for lack of personal jurisdiction, *lis alibi pendens, res judicata* and *forum non conveniens*.

2. Attached hereto as Exhibit A is a copy of a Letter of Undertaking ("LOU") obtained from Assuranceforeningen Skuld P & I Club (W. Bockstiegel GmbH & Reederi) in favor of Usiminas Mecanica S/A. The LOU was obtained from the vessel owner's P & I Club to cover damages sustained by a cargo of bridge components. Some

time after receipt of the LOU, on March 30, 2007, the LOU was voluntarily returned to the vessel owner's P & I Club.

3. Attached hereto as Exhibit B is a copy of a commercial invoice from Usiminas Mecanica S/A to Perini O & G covering the cargo of bridge components that is the subject of the present suit.

4. Attached hereto as Exhibit C is a copy of a Liner Booking Note between the plaintiff, BBC Chartering & Logistics GmbH and Usiminas Mecanica S/A for the booking of the M/V MALTE B for the voyage that is the subject of the present suit.

5. Attached hereto as Exhibit D is a copy of the front and back of a bill of lading covering a cargo of bridge components transported aboard the M/V MALTE B from Vitoria to New York.

6. Attached hereto as Exhibit E is a copy of the tariff FMC-001 required to be made available to the public by the Federal Maritime Commission and filed by BBC Chartering & Logistics GmbH & Co. KG.

I declare under penalty of perjury under the laws of the United States of America pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed on May 30, 2008

Signed: Keith B. Dalen
Keith B. Dalen